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CLERK U S DISTRICT COURT	
DISTRICT OF ARIZONA	
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REDACTED FOR
PUBLIC DISCLOSURE

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

United States of America

No. CR-21-00808-PHX-DLR (JZB)

Plaintiff,

INDICTMENT

vs

VIO: 18 U.S.C. § 554(a)
(Smuggling Goods from the United States)
Counts 1 - 4

1. Marcos Balderas Millan, (Counts 1 – 4)

18 U.S.C. §§ 924(d) and 981,
21 U.S.C. §§ 853 and 881; and
28 U.S.C. § 2461(c)
(Forfeiture Allegation)

2. Noe Mendoza, (Counts 3 – 4)

2. Noe Mendoza,
(Counts 3 – 4)

Defendants.

THE GRAND JURY CHARGES:

COUNT 1

21 On or about December 30, 2019, in the District of Arizona, Defendant MARCOS
22 BALDERAS MILLAN, knowingly and fraudulently exported and sent from the United
23 States, and attempted to export and send from the United States, any merchandise, article,
24 or object contrary to any law or regulation of the United States, and received, concealed,
25 bought, sold, and in any manner facilitated the transportation, concealment, and sale of
26 such merchandise, article or object, that is: S&W .380 Pistol, knowing the same to be
27 intended for exportation contrary to any law or regulation of the United States, to wit: Title
28 50, United States Code, Section 4819; Title 15, Code of Federal Regulations, Part 736.2;

1 Title 15, Code of Federal Regulations, Part 774; and Title 15, Code of Federal Regulations,
2 Part 738.

3 In violation of Title 18, United States Code, Section 554(a).

4 **COUNT 2**

5 On or about February 6, 2020, in the District of Arizona, Defendant MARCOS
6 BALDERAS MILLAN, knowingly and fraudulently exported and sent from the United
7 States, and attempted to export and send from the United States, any merchandise, article,
8 or object contrary to any law or regulation of the United States, and received, concealed,
9 bought, sold, and in any manner facilitated the transportation, concealment, and sale of
10 such merchandise, article or object, that is: Braztech 22LR Rifle, knowing the same to be
11 intended for exportation contrary to any law or regulation of the United States, to wit: Title
12 50, United States Code, Section 4819; Title 15, Code of Federal Regulations, Part 736.2;
13 Title 15, Code of Federal Regulations, Part 774; and Title 15, Code of Federal Regulations,
14 Part 738.

15 In violation of Title 18, United States Code, Section 554(a).

16 **COUNT 3**

17 On or about March 14, 2020, in the District of Arizona, Defendants MARCOS
18 BALDERAS MILLAN and NOE MENDOZA, knowingly and fraudulently exported and
19 sent from the United States, and attempted to export and send from the United States, any
20 merchandise, article, or object contrary to any law or regulation of the United States, and
21 received, concealed, bought, sold, and in any manner facilitated the transportation,
22 concealment, and sale of such merchandise, article or object, that is: 100 rounds of .50
23 Caliber Ammunition, knowing the same to be intended for exportation contrary to any law
24 or regulation of the United States, to wit: Title 50, United States Code, Section 4819; Title
25 15, Code of Federal Regulations, Part 736.2; Title 15, Code of Federal Regulations, Part
26 774; and Title 15, Code of Federal Regulations, Part 738.

27 In violation of Title 18, United States Code, Section 554(a).

28

COUNT 4

2 On or about March 25, 2020, in the District of Arizona, Defendants MARCOS
3 BALDERAS MILLAN and NOE MENDOZA, knowingly and fraudulently attempted to
4 export and send from the United States, and attempted to export and send from the United
5 States, any merchandise, article, or object contrary to any law or regulation of the United
6 States, and received, concealed, bought, sold, and in any manner facilitated the
7 transportation, concealment, and sale of such merchandise, article or object, that is: 300
8 rounds of .50 Caliber Ammunition, knowing the same to be intended for exportation
9 contrary to any law or regulation of the United States, to wit: Title 50, United States Code,
10 Section 4819; Title 15, Code of Federal Regulations, Part 736.2; Title 15, Code of Federal
11 Regulations, Part 774; and Title 15, Code of Federal Regulations, Part 738.

12 In violation of Title 18, United States Code, Section 554(a).

FORFEITURE ALLEGATION

14 The Grand Jury realleges and incorporates the allegations of Counts 1 through 4 of
15 this Indictment, which are incorporated by reference as though fully set forth herein.

16 Pursuant to 18 U.S.C. §§ 924(d) and 981, 21 U.S.C. §§ 853 and 881, and 28 U.S.C.
17 § 2461(c), and upon conviction of the offenses alleged in Counts 1 - 4 of this Indictment,
18 the defendant shall forfeit to the United States of America all right, title, and interest in (a)
19 any property constituting, or derived from, any proceeds the persons obtained, directly or
20 indirectly, as the result of the offense, and (b) any of the defendant's property used, or
21 intended to be used, in any manner or part, to commit, or to facilitate the commission of,
22 such offense as to which property the defendants is liable. If any forfeitable property, as a
23 result of any act or omission of the defendant:

- 24 (1) cannot be located upon the exercise of due diligence,
25 (2) has been transferred or sold to, or deposited with, a third party,
26 (3) has been placed beyond the jurisdiction of the court,
27 (4) has been substantially diminished in value, or
28 (5) has been commingled with other property which cannot be divided

1 without difficulty,

2 it is the intent of the United States to seek forfeiture of any other property of said
3 defendant up to the value of the above-described forfeitable property, pursuant to 21 U.S.C.
4 § 853(p).

5 All in accordance with 18 U.S.C. §§ 924(d) and 981, 21 U.S.C. §§ 853 and 881, 28
6 U.S.C. § 2461(c), and Rule 32.2, Federal Rules of Criminal Procedure.

7 A TRUE BILL

8
9 s/
10 FOREPERSON OF THE GRAND JURY
Date: October 5, 2021

11 GLENN B. McCORMICK
12 Acting United States Attorney
13 District of Arizona

14 s/
15 ADDISON SANTOME
16 Assistant U.S. Attorney

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